UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

CHARLES JAY WOLFF
v.
NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS

2007 NOV -8 A 11:

November 6, 2007

CASE NUMBER - 1:06-CV-321

"Notice of Appeal"

Now comes the plaintiff, Charles Jay Wolff, pro-se, and in forma pauperis. I pray the Honorable United States Court of Appeals will hear my "Notice of Appeal."

The following are grounds to support my "Notice of Appeal"

1. On July 10, 2006 I filled my motion to proceed in forma pauperis with custodial certificate.

Reason 1. My kosher diet was stopped by Deacon James Daly after being told by Jeff Perkins the kitchen supervisor that I was not eating the shelf stable kosher meal which had problems which in the past and problems still persisted.

2. MY WEIGHT DROPPED FROM 187 POUNDS TO 140 POUNDS.

3. DURING MY VIDEO CONFERENCE OR PRETRIAL ON MAY 14TH 2007 HIS HONOR JAMES R MUIRHEAD UNITED STATES MAGISTRATE JUDGE, HIS HONOR STATED I LOOKED FRAIL. AT THIS TIME I WAS 168 POUNDS, AT THIS TIME I AM 136 POUNDS THUS I WENT FROM 187 POUNDS TO 140 POUNDS, TO 168 POUNDS I AM NOW 136 POUNDS.

4. I HAVE HAD ONLY FIVE (5) TOMATOS IN OVER 152 DAYS FOR VEGETABLES AND LESS THAN 30 ITEMS OF FRESH FRUIT.

5. I HAVE HEART CONDITION, DIABETIC, DIET CONTROLLED, A CRONIC CARE PATIENT WITH MULTI-MEDICAL ISSUES. TO INCLUDE A STOMACH PROBLEM WHICH I TAKE THREE (3) MEDICATIONS FOR.

6. I AM TO BEEN SEEN BY A MEDICAL PROVIDER, MD, PA, OR NURSE PRACTITIONER AT LEAST EVERY 90 DAYS. MY LAST APPOINTMENT THAT I SAT WITH A MEDICAL PROVIDER WAS WITH DR. CELIA ENGLANDER MD ON MAY 31, 2007. THIS IS OVER 156 DAYS AGO.

7. MY PRELIMINARY INJUNCTION HEARING WAS HELD ON 8-1-2007, BEFORE HIS HONOR JAMES R. MUIRHEAD UNITED STATES MAGISTRATE JUDGE, FOR A PROPER KOSHER DIET THAT IS PROVIDED THREE (3) TIMES A DAY WITHOUT HARD BOILED EGGS, AND TO BE NUTRITIOUS.

8. I WAS GIVEN A BIOPSY TEST IN HEALTH SERVICES IN A DOUBLE CHAMBERED ROOM WITH NO WAY TO CONTACT ANYONE UNLESS SOMEONE WALKED INTO THE FIRST CHAMBER OR SOMEONE TOOK NOTICE AS THEY WALKED BY. IN THE EVENT OF A FIRE OR THE SPRINKLER WENT OFF. IN THESE ISOLATION ROOMS, THE PERSON HAS A HIGH RISK DYING, EVEN FROM A SIMPLE MEDICAL NEED.

9. AN AGREEMENT WAS MADE DURING THE HEARING HELD ON 8-1-2007 THAT I WOULD NOT RECEIVE EGGS OR HARD BOILED. I DID AND FILED MOTIONS OF CONTEMPT FOR RECEIVING EGGS.

10. ON OCTOBER 17, 2007 HIS HONOR JAMES R. MUIRHEAD UNITED STATES MAGISTRATE JUDGE FILED HIS "REPORT AND RECOMMENDATION" IN THAT HIS HONOR DENIED MY REQUEST FOR PRELIMINARY INJUNCTIVE RELIEF AND THAT OF CONTEMPT.

11. I FILED AN OBJECTION TO HIS HONOR'S "REPORT AND RECOMMENDATION."

12. ON OCTOBER 30, 2007, HIS HONOR PAUL BARBADORO UNITED STATES DISTRICT JUDGE OF THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF NEW HAMPSHIRE, APPROVED THE "REPORT AND RECOMMENDATION" OF HIS HONOR MAGISTRATE JUDGE MUIRHEAD DATED OCTOBER 17, 2007.

13. I CHARLES JAY WOLFF HEREBY MY TIMELY "NOTICE OF APPEAL" THIS 6TH DAY OF NOVEMBER 2007, AND HAVE MAILED A COPY OF THE FOREGOING TO MR. JAMES R. STARR CLERK OF THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF NEW HAMPSHIRE, AND TO ATTORNEY NANCY SMITH N.H. DEPARTMENT OF JUSTICE. THIS DOCUMENT SENT TO UNITED STATES COURT OF APPEALS BOSTON, MASSACHUSETTS.

RESPECTFULLY SUBMITTED

CHARLES JAY WOLFF